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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:18-CR-267-RFB-VCF

Plaintiff,

Preliminary Order of Forfeiture

v.

JAMES ROBERT KENNEDY,

Defendant.

This Court finds James Robert Kennedy pled guilty to Count Three of a Six-Count Criminal Indictment charging him with use or trafficking in unauthorized access devices in violation of 18 U.S.C. § 1029(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 86; Plea Agreement, ECF No. 85.

This Court finds James Robert Kennedy agreed to the forfeiture of the property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Amended Bill of Particulars, ECF No. 78; Change of Plea, ECF No. 86; Plea Agreement, ECF No. 85.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to which James Robert Kennedy pled guilty.

The following property is (1) any personal property used or intended to be used to commit the violation of 18 U.S.C. § 1029(a)(2); (2) any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of a violation of 18 U.S.C.

§ 1029(a)(2), or a conspiracy to violate such offense; and (3) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C.

§ 1029(a)(2), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 1029(c)(1)(C) and (c)(2); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p):

1. Bank of America debit card XXXXXXXXXXXXX3470 in the name of G.R.;
2. Bank of America debit card XXXXXXXXXXXXX2026 in the name of C.S.;
3. Bank of America debit card XXXXXXXXXXXXX3056 in the name of J.C.;
4. Bank of America withdrawal slip, account number XXXXXXXXXXX3470 in the amount of \$400;
5. Bank of America withdrawal slip, account number XXXXXXXXXXX2026 in the amount of \$120;
6. Bank of America withdrawal slip, account number XXXXXXXXXXX3056 in the amount of \$140; and
7. \$580 in United States Currency

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of James Robert Kennedy in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
2 of America shall publish for at least thirty (30) consecutive days on the official internet
3 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
4 describe the forfeited property, state the time under the applicable statute when a petition
5 contesting the forfeiture must be filed, and state the name and contact information for the
6 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
7 and 21 U.S.C. § 853(n)(2).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
9 or entity who claims an interest in the aforementioned property must file a petition for a
10 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
11 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C.
12 § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
13 right, title, or interest in the forfeited property and any additional facts supporting the
14 petitioner's petition and the relief sought.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
16 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
17 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
18 not sent, no later than sixty (60) days after the first day of the publication on the official
19 internet government forfeiture site, www.forfeiture.gov.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
21 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
22 Attorney's Office at the following address at the time of filing:

23 Daniel D. Hollingsworth
24 Assistant United States Attorney
25 James A. Blum
26 Assistant United States Attorney
27 501 Las Vegas Boulevard South, Suite 1100
28 Las Vegas, Nevada 89101.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
28 described herein need not be published in the event a Declaration of Forfeiture is issued by

1 the appropriate agency following publication of notice of seizure and intent to
2 administratively forfeit the above-described property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
4 copies of this Order to all counsel of record.

5 DATED September 16, 2021.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE